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October 28, 2019

Hon. Katharine H. Parker  
United States Magistrate Judge  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**APPLICATION GRANTED**

*Katharine H. Parker*  
**Hon. Katharine H. Parker, U.S.M.J.**

**10/28/2019**

Re: Daniel Kleeberg, Lisa Stein and Audrey Hays v. Lester Eber, et al.  
Civ. Action No.: 16-cv-09517-LAK-KHP

Dear Judge Parker:

I represent the Estate of Elliott W. Gumaer, Jr. and write in reference to the above-encaptioned action. Pursuant to Your Honor's September 10, 2019 Order the parties' motions for summary judgment are due on November 1, 2019. For a number of reasons, including the California wildfires causing John Herbert, one of the attorneys for the Eber defendants, to be without power, counsel for the Eber defendants and I have asked plaintiffs to agree to a new summary judgment motion filing date of Friday, November 8, 2019. Counsel for the plaintiffs has agreed, provided the remaining motion dates remain unchanged.

Accordingly, the parties respectfully request that the Court's September 10, 2019 Order be modified as follows:

All moving briefs are due on November 8, 2019;

Opposition briefs are due on December 6, 2019; and

Reply briefs are due on December 20, 2019.

Oral argument is scheduled for January 8, 2020 at 2:00 p.m. in Courtroom 17D, United States Courthouse, 500 Pearl Street, New York, NY.

Counsel for the Eber defendants and plaintiffs' counsel have reviewed and approved this letter. Thank you kindly for your continued attention to this matter.

Respectfully submitted,

*Robert B. Calihan*  
Robert B. Calihan

cc: Brian Brook, Esq. (via ECF)  
Colin D. Ramsey, Esq. (via ECF)  
Paul Keneally, Esq. (via ECF)